IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION

Dated: Nainital the 10th day of May 2005
Criminal Misc. Bail application No. 408 / 2005
Order on the bail application of accused

CRIMINAL SIDE

Radhey Shyam
S/o Radha Ballabh
R/o Kumhar Gadha Kankhal
P.S. Kankhal
District Haridwar ……. Applicant

Versus

State of Uttaranchal ….Opposite Party

Arising out of Case Crime No. 33 of 2005
U/Ss 376, 342, 313, 506 I.P.C.
P.S. Kankhal
District - Haridwar

Hon'ble J.C.S Rawat, J.

Heard Sri K.S. Verma, learned counsel for the applicant and learned A.G.A. for the State.

Perused the record. It was contended on behalf of the applicant that the rape was committed on the victim about one and half month prior to 24.2.2005 when the pregnancy of the victim was detected by the doctor then the victim narrated the entire incident to her parents with regard to the commission of rape by the applicant-accused. Thereafter, the compromise took place between the parties with the condition that that the applicant and his father will bear the expenses of the medical treatment. When the entire amount for medical treatment of the victim was not paid by the parents of the applicant-accused, the F.I.R. was lodged on 16.3.2005. It was further contended that the victim was also the consenting party and the age of the victim was 16 years at the time of incident. Considering the facts and circumstances of the case, it is a fit case for bail.

Let the applicant-accused be released on bail on his executing a personal bond and two sureties each in the like amount to the satisfaction of the C.J.M., Haridwar.

(J.C.S. Rawat, J.)

Dated 10.5.2005
LSR